



PLANNING COMMISSION STAFF REPORT APRIL 27, 2006

Project:	VILLA D'ESTE PLANNED DISTRICT- (PLN2006-00172)
Proposal:	To consider a Planned District Major Amendment for Site Plan and Architectural Approval, Vesting Tentative Tract Map 7735, Private Street and Preliminary Grading Plan for 276 residential units and associated landscaping, private open space, access and circulation improvements.
Recommendation:	1) Recommend Planned District Major Amendment to City Council; 2) Approve Vesting Tentative Tract Map 7735, Private Street and Preliminary Grading Plan.
Location:	Southeast corner of Ardenwood Boulevard and Paseo Padre Parkway in the Northern Plain Planning Area - APN 543-0439-130 (See aerial photo next page)
Area:	15.6-acre lot
People:	John Laing Homes, Applicant Mark Chamberlain, Agent of Applicant Guzzardo Partnership, Ruggeri, Jensen, & Azar Associates, Woodley Architectural Group, Consultants Leon Campbell, Pace Properties LLC, Owner Scott Ruhland, Staff Planner (510) 494-4453, sruhland@ci.fremont.ca.us
Environmental Review:	A Mitigated Negative Declaration has been prepared and circulated for this project.
General Plan:	Low Density Residential, 5-7 units per acre; Medium Density Residential, 15-18 units per acre; High Density Residential, 23-27 units per acre.
Zoning:	Planned District, P-2005-80

EXECUTIVE SUMMARY:

This project involves an existing vacant site that has recently been re-designated and rezoned to multi-family residential through a City-initiated process as part of the Housing Element Implementation Program. The project site contains three General Plan residential density designations resulting in three density ranges, each with a different midpoint. The applicant has requested a Planned District Major Amendment for Precise Site Plan and Architectural Approval with the intent of developing a new residential neighborhood with 276 units. The project includes 33 single-family units and 243 multi-family units. The project also includes substantial site, landscape, circulation, access, grading and drainage improvements. The primary purpose of the Planned District is to allow flexibility in product type and site design in order to average the density over the project site cumulatively instead of meeting each midpoint independently.



Figure 1: Aerial Photo (2002) of Project Site and Surrounding Area.



[1 inch = 375 feet]

SURROUNDING LAND USES:

- North: Vacant Land
- South: Single & Multi-Family Residential
- East: Vacant Land
- West: Single-Family Residential

BACKGROUND AND PREVIOUS ACTIONS:

A City-initiated General Plan Amendment and Rezoning, PLN2005-00080, was approved on July 26, 2005. The purpose of that action was to change the land use of the project site from commercial to residential to facilitate single & multi-family residential development as contemplated by the Housing Element Implementation Program. The rezoning changed the site from commercial to a Planned District with specific guidelines for the future development of the site. The associated Mitigated Negative Declaration, PLN2005-00080, was also adopted on July 26, 2005. This environmental document evaluated the potential impacts of the proposed project per the General Plan Amendment and Rezoning and outlined the required mitigation measures necessary to reduce potential impacts to less than significant levels.

PROJECT DESCRIPTION:

The proposed project consists of 276 residential units, 33 single-family and 243 multi-family units. Common open space and associated landscape, circulation, parking and drainage improvements are also proposed. The 33 single-family homes are located along Tupelo Street and Tan Oak Drive and have been designed with rear garages. Access to these units is provided from the rear via internal private streets minimizing curb cuts and maximizing on-street parking.

Eleven of these units also contain secondary dwelling units in the form of studio units above the garage. These units include one off-street parking place and meet the requirements for secondary dwelling units with the exception of lot size. The minimum lot size for properties with a secondary dwelling unit is 5,000 square feet per Section 8-22159.5(b)(1)(a.) of the Zoning Ordinance. The single-family lot size with secondary units range from 4,000-5,000 square feet. A finding is proposed that this exception to the Ordinance be granted based on the design and ratio of secondary units.

The 243 attached multi-family homes are situated on private auto-courts that provide vehicular access to garages, and landscaped paseos that provide pedestrian access to the front doors. The multi-family units are provided in a combination of 3-unit and 6-unit buildings throughout the site. Buildings along Ardenwood Boulevard and Paseo Padre Parkway are oriented towards the street. 81 or 33% of the multi-family units contain tandem parking garages.

The project also includes various site and landscape improvements to help enhance the design and livability of the project. These improvements include an approximate 20,000 square foot private open space area with a 1,500 square foot community building. Landscaping in various forms including landscaped paseos, two small olive groves and small plazas and fountains are located throughout the site. Drainage improvements and swales to help improve stormwater quality and circulation and access improvements (private streets) including guest parking are part of the overall site design. An alternative pavement design is also included that consists of varying hardscape materials throughout the site.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Low, Medium and High Density Residential, 5-7 units/acre, 15-18 units/acre and 23-27 units/acre. The proposed project is consistent with these General Plan land use designations for single and multi-family residential areas because the project meets the minimum density requirement and residential design and development policies. The

applicant is proposing to average the density of the project to meet the overall midpoint range of each density range instead of meeting the midpoint independently for the three ranges which form the cumulative project site which requires City Council approval. Although the project proposes eleven secondary units, under State law second units are not counted towards the density calculation.

In this case, based on the following calculation, a minimum of 256 units are required where 276 units are provided.

- Low Density Residential, 5-7 units/acre – midpoint of 6.5 units x 5 acres = **33 units**
- Medium Density Residential, 15-18 units/acre – midpoint of 16.5 units x 5 acres = **83 units**
- High Density Residential, 23-27 units/acre – midpoint of 25 units x 5.6 acres = **140 units**
- **Total Units Required = 256 (276 Provided)**

The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

- *Housing Goal 2 – High quality and well-designed new housing of all types throughout the City.*
- *Land Use Goal 1 – New housing development while conserving the character of the City's existing single family residential neighborhoods.*

Analysis

The project conforms to this policy because it provides a variety of well designed housing units while conserving the quality and character of nearby residential neighborhoods.

- *Land Use Policy 1.1 – Residential as the primary use allowed in residentially designated areas. The type of residential use depends on the permitted density and other criteria to protect neighborhood character and the safety and welfare of residents.*

Analysis

The project conforms to this policy because residential is the primary use being proposed in this residentially designated area in conformance with the required density.

- *Land Use Policy 1.11 – Appropriate transitions shall be encouraged between higher density residential areas and commercial and lower density residential areas. Transitions can be composed of streets, setbacks, open space, landscape and site treatments, building design and other techniques.*

Analysis

The project conforms to this policy because the transitional area consists of single-family homes along Tan Oak and Tupelo Streets that provide a buffer between the multi-family component of the project and existing development in the neighborhood.

- *Land Use Policy 1.12 – To maximum extent feasible, play areas shall be located to avoid conflict between residents attempting to reach these facilities and vehicular traffic.*

Analysis

The project conforms to this policy because the common open space and play ground has been located internally to the site and is well connected to the entire development via pedestrian walkways.

- *Land Use Policy 1.13 – Buildings shall be designed to provide for maximum feasible visual and auditory privacy for each unit through the use of site design, open space, landscaping and appropriate building materials.*

Analysis

The project conforms to this policy because the buildings have been designed and sited to minimize impacts, ensure privacy and maximize solar orientation. Landscaping and open space have also been designed to provide screening and buffering.

- *Land Use Policy 1.17 – Where open space has been considered as an element in the design of a residential development project, further development or encroachment on the open space by new buildings shall be strongly discouraged. Where feasible, project open space shall be permanently restricted to open space through deed restriction or other appropriate means.*

Analysis

The project conforms to this policy because an approximate 20,000 square foot private open space area will be owned by the homeowners association which is required to remain as open space through the conditions of approval for the Planned District. (Condition A-1)

- *Land Use Policy 1.23 – A variety of unit types and sizes shall be encouraged within each multi-family project.*

Analysis

The project conforms to this policy because nine architectural styles are proposed, each with a variety of floor plans and unit sizes.

- *Land Use Policy 1.25 – Where several multi-family projects are on adjacent parcels of land, a variety of architectural and site design treatments shall be encouraged. However, an architectural or landscape design theme for several parcels may be appropriate.*

Analysis

The project conforms to this policy because each architectural style has been designed independently although in a manner to complement each other. An overall landscape theme has been provided for the project that complements the entire site.

Zoning Regulations:

As set forth in Article 27 of the Fremont Municipal Code (FMC), the proposed project is permitted in a Planned District subject to Site Plan and Architectural Approval. The existing site is zoned Planned District, P-2005-80, and contains specific regulations for the Planned District Amendment. The Planned District does include provisions for the site plan and architectural review process, as it relates to utilizing the R-3 standards for the multi-family units and R-1 standards for the single-family homes. The Planned District stipulates that if single-family homes are proposed, then the R-1-6 zoning standards shall be

utilized as the guide. However, the single-family homes are located on minimum 4,000 square foot lots and it is appropriate to also reference the City's "Design Guidelines for Small Lot Single-Family Residential Developments".

The site plan and architecture for the single-family units are generally in conformance with the site planning, building design and open space/landscaping portions of Small Lot Guidelines. However, in regards to the lot plans for each unit and building configuration, the single-family units do not meet the intent of the guidelines. Specifically, the Floor Area Ratio (FAR) requirements, and as a result, the square footage limits between the first and second floors are not as recommended.

Although typical single-family homes do not have Floor Area Ratio (FAR) requirements, the Small Lot Guidelines recommend FAR's for small lot development. The Guidelines recommend an average FAR for a project as 0.50, or 50%, (0.60 or 60% with City's discretion) with a maximum of 0.70 or 70% for one lot. The average gross FAR for the single-family portion of the project is 0.63, or 63% and some lots have individual FAR's up to 0.90 or 90%. This has an affect on size of the second floor and it's ratio to the first floor. The Guidelines recommend certain percentages for the size of the second floor in relation to the first that the plans do not meet. (i.e. second floor should be 30% of the first floor)

The increased FAR can be attributed to a number of factors including garage placement and access; larger three car garages for each unit; secondary dwelling units for one-third of the units; and outdoor rooms with second floors above. The units are well detailed and articulated along the front elevations and do not appear out of scale along the street. Even with the increased FAR, useable side yards are provided by utilizing side yard use easements. Further, the conditions of approval for the project preclude further additions onto the homes. Based on these factors, staff supports the increased FAR for the single-family portion of the project.

Overall, the proposed project does meet the overall intent of the Planned District in terms of providing a well planned, suitable environment for mixed density residential development and promoting a land use compatible with the intensity of existing and future development. Further, the proposed project is consistent with the P-2005-80 architecture and site design standards in regards to the contextual relationship to adjacent development; building design; a comprehensive pedestrian circulation system; and, increased 20% Inclusionary zoning requirements.

Inclusionary Zoning:

This specific Planned District contains a provision for 20% of the units to be affordable units, as opposed to the typical 15% requirement. The project meets the project's Inclusionary zoning requirements through the inclusion of 55 for-sale Below Market Rate (BMR) units. These units will consist of 25 units of Plan 1 and 30 units of Plan 2 in the multi-family buildings and will be dispersed throughout the project (Condition A-18). None of the single-family homes will be included as Inclusionary units. The BMR units will be allocated throughout the project in a consistent manner and will not be distinguishable.

DESIGN ANALYSIS:

Architecture:

The basis for architectural design incorporated into this project results from an attempt to create a traditional neighborhood while drawing from common architectural themes associated with Tuscan and Italian influences and styles. The housing product proposed for this development consists of single-family detached homes and multi-family attached units designed to complement the existing neighborhood while creating a distinct community within the site. Materials consist primarily of stucco and cultured stone veneer exterior with a variety of secondary materials including decorative brick, concrete tile roofs, wrought iron details, wood shutters and wood rafter tails.

Single-Family Units

The single-family units contain three different floor plans each with three different elevations for a total of nine different variations for these units. The homes range in size from 3,384 to 3,611 square feet, including the three-car garage. Six color schemes are also proposed which means that no two single-family homes will look alike. The homes are designed with front porches, balconies and feature windows on the front façade which facilitates community and provides variation along the street. The homes consist of both stucco and stone veneer with wood, wrought iron and tile accents. Second stories are setback from the first story improving the pedestrian scale along the street. The homes are also designed with an outdoor room, or patio, as an integral component. Some have the option for outdoor fireplaces. Decorative wood garage doors are also used and add to the rustic character to the units.

Although the sides of the units will not be that visible, the right elevations are rather plain and monotonous. The left elevations do contain some variation and articulation in the design. However, considering the right elevation is that in which each adjacent homeowner will be facing as part of their side yard, it is appropriate for some design element on these side elevations. Horizontal banding, foundation plantings and possibly other design elements could be added to improve the architecture. A condition is added to reflect this. (Condition A-13)

Multi-Family Units

The multi-family units are designed in the same manner with similar materials and color schemes as the single-family units. The units range from 1,668 to 1,918 square feet, including the garage. The buildings include a mix of 3 and 6 unit structures containing both townhouse units and flats. The elevations also include three different elevations for each building and five different color schemes assuring a wide variety of design and color for the multi-family units. The buildings are massed in 2 and 3-story forms, creating varied height and mass throughout the site. Tower elements on the buildings also add another form and mass to the building. Building height for these units is a maximum of 35 feet. Recessed windows, wrought iron railings, wood rafters and brick trim all contribute to the design and “Rustic Village” vernacular the architect is trying to create.

Community Building

The community building is approximately 1,500 square feet and designed in a manner consistent with the overall architectural theme. Primary materials are stucco, stone veneer, concrete roofs and wood details. It contains a multi-purpose room, kitchen and bathrooms. The building contains a faux bell tower which will be the focal element seen when entering the site from Tan Oak Drive. It also contains a wrap around porch. The community building will be designed with “green building” techniques. As

currently proposed, the building will contain recycled building materials and Energy Star appliances. The incorporation of other methods, such as low-flow toilets, automatic faucets and energy efficient windows will also be considered by the developer. (Condition A-22)

Open Space/Landscaping:

Per the R-3 Multi-Family Zoning District, the project is required to provide a minimum of 12,400 square feet of common open space. In addition to the common open space requirement, the project is required to provide private open space for each multi-family unit at a minimum of 60 square feet for balconies and/or 100 square feet of patios. The project meets the common open space requirement by providing approximately 20,000 square feet of common open space generally located within the west-central portion of the development. The open space is well positioned and connected to the entire development through the pedestrian circulation system. This area contains an open meadow, landscaping, 1,500 square foot community building, playground structure and patio/seating areas.

Private side yards and outdoor rooms are proposed for each single family detached unit. The applicant has proposed reciprocal yard easements for the single-family units to maximize useable open space. The yard easements allow each single family owner to use the side yard of the adjacent property essentially as their own private yard area. The single-family units also contain front porches along the street. Staff supports the use of reciprocal yard easements to maximize useable open space. The multi-family units contain both private patios and balconies that also exceed the minimize size requirements. Balconies average about 75 square feet where 60 feet is required and patios are 120 square feet where 100 feet is required.

Landscape enhancement in the form of trees, shrubs and groundcover is provided throughout the development as well as two Olive groves and various small plazas, fountains and seating areas. Some existing mature trees will also be preserved. The project also includes site entry/identification features at each driveway location and at each prominent corner, Tan Oak/Ardenwood, Ardenwood/Paseo Padre and Paseo Padre/Tupelo. These features include sign walls, special paving at the driveway entrances and ornamental landscaping.

A detention pond has also been provided in the northwest portion of the site along Paseo Padre Parkway. This pond is needed to help augment stormwater capacity. It is anticipated that this detention pond will not be utilized very often, as it will be a function of stormwater runoff during the rainy season and occasional irrigation runoff. The design of the pond is deliberate and includes native landscaping and terraced walls. The applicant proposes to recycle the concrete aggregate that will be generated during demolition and reconstruction of the sidewalks along Paseo Padre Parkway for these walls. A decorative fence will be located around the perimeter as a prevention measure. Access will only be permitted to Homeowner's Association for maintenance purposes.

City Landscape Architect Review of Proposed Tree Removal and Preservation:

The proposed project is located on a site that has 13 mature trees per the Tree Survey Report dated February 28, 2006. The 16 acre site is mostly vacant of mature trees; the 13 trees included in the survey were planted as part of a landscape feature on one corner of the project site. Tamarisk was the primary species growing on the site with 11 trees. The two other trees were a Blackwood Acacia (*Acacia melanoxylon*) and a Brisbane Box (*Lophostemon confertus*). With the exception of two Tamarisks (#281 and #284), all trees were rated as having a moderate to poor suitability for preservation.

The project proposes to remove nine trees on this site. The four trees proposed for preservation are trees #275, 276, 277 and 280, all Tamarisks. On the Topographic Survey the 24" Blackwood Acacia is incorrectly identified as a 32" Oak. This tree was not considered for preservation because it was considered to have poor suitability for preservation and is in fair condition due to a partial root failure. The remaining trees are located in conflict with the proposed development and their preservation would require unreasonable modifications to the design of the project.

Although the four Tamarisks are proposed for preservation, these trees have either a poor or moderate suitability for preservation. Staff recommends further review of the appropriateness for retaining these trees during Tract Improvement Plan Review. Revisions to the landscape concept at the corner of Ardenwood Boulevard and Tan Oak Drive shall be subject to the review and approval of the City Landscape Architect.

Mitigation for the removal of existing trees includes the planting of street trees along the project perimeter streets of Ardenwood, Tan Oak, Tupelo and Paseo Padre. Where possible, the perimeter street tree planting is combined with trees planted in the front yards to create a double row planting along the sidewalk. Additionally, the project proposes the planting of onsite trees in the interior Paseo areas, in the common open space park area, along the main entry drive of Via Torino, and a planting of two Olive orchards demarcating the north-south entry points into the common open space.

View Impacts:

The project site is currently vacant but will be developed with residential uses in scale and character with nearby existing development. All building heights conform to the requirements of the Zoning Ordinance. Impacts to views are not anticipated.

Parking:

Single-Family Units

The project contains 33 single family units, some with the option of five bedrooms. The single-family parking requirement is two covered spaces per unit with four or fewer bedrooms and three covered spaces for units with five or more bedrooms. The project provides three covered spaces per single-family unit regardless of the bedroom count and thus complies with the requirement. Guest parking is not specifically required for single-family units because there is an assumption of on-street parking for single-family homes. Tan Oak and Tupelo will provide ample street parking for guests and visitors. The eleven second units proposed for the project also require one off-street parking spaces which has been provided and indicated on the site plan.

Multi-Family Units

The project contains 243 multi-family units. The multi-family parking requirement is 1.5 spaces per unit for residents and 0.5 spaces for guests. The total required for these units is 365 spaces for residents and 122 spaces for guests. The project provides 486 garage spaces for residents and 122 spaces for guests. 81 of the units, or 33%, contain tandem garage spaces. The guest spaces are dispersed throughout the site. The applicant has requested that nine of the guest spaces located on Tan Oak Drive in front of the two multi-family buildings be counted towards this requirement. Staff supports this request since there is adequate room for these spaces on the street and the close proximity to the front doors of the units.

Circulation:

The project site is located on the block bound by Ardenwood Boulevard, Paseo Padre Parkway, Tan Oak Drive, and Tupelo Street. Two new private street driveways are proposed to provide vehicle ingress and egress for the project. Via Como is a new driveway on Tan Oak Drive and aligns with the public street intersection of Tan Bark Drive. Via Torino is a new driveway on Tupelo Street and aligns with the private street intersection of Arc Terrace.

All on-site vehicle circulation is provided by modified private vehicle access ways (PVAWs), a type of private street used for condominium and townhouse projects. The two main PVAWs on site are Via Lugano, which provides an interior loop street, and Via Torino, which approximately bisects Via Lugano and provides access to several of the condominium PVAWs (Terraces).

In 1984, City Council adopted a development policy for PVAWs. The policy sets forth principles and standards for developments that use PVAWs. As part of the Planned District application, the applicant is requesting deviations from the policy. The policy and deviations are discussed below.

PVAW Policy #6: All private vehicle access ways are to be a minimum of twenty-four feet wide (clear width) in those portions where no parking is allowed directly off the access way. An additional four-foot width is required on the side of the access way wherein right angle enclosed parking is provided. An additional two-foot width is required on the side of the access way wherein right angle carport or uncovered parking is provided.

Analysis: Via Torino is the only PVAW proposed with a twenty-four foot clear pavement width, all other PVAWs are proposed with twenty-two foot pavement widths. However, the garage door-to-garage door dimension is proposed at thirty-two feet, which complies with the PVAW policy (24 feet + 4 feet each side). Emergency vehicles require twenty feet clear. Staff supports the applicant's request for twenty-two foot clear width PVAWs for the detached townhouses.

The applicant is also proposing streets with on-street right-angle parking. The applicant is proposing only twenty-two feet for vehicles to back up, which is two feet less than the zoning ordinance requirements for parking lots. However the applicant is maintaining nineteen-foot long parking stalls, which typically are reduced to seventeen feet with a two-foot vehicle overhang into the adjacent planter. The overall pavement width of the parking stall and adjacent drive aisle is forty-one feet, which matches the typically provided width (24-feet backup and 17-feet of stall), staff supports the applicant's PVAW design with on-street right-angle parking.

PVAW Policy 7: Vertical concrete curbs or concrete valley gutters shall be used where storm water runoff is involved.

Analysis: The requirement for vertical curbs concrete valley gutters was implemented prior to the new storm water pollution prevention requirements. In order to implement the storm water pollution prevention plan, as proposed by the project design team, depressed (flush) curbs and vertical curbs with openings, into bioswales, are needed. Staff supports the proposed curb and gutter design.

PVAW Policy #15: A walkway connection is to be provided from the private vehicle access ways to the main pedestrian pathway system. A 3.5 foot sidewalk shall be provided on both sides of the private vehicle access way.

Analysis: Most of the PVAWs within the development are proposed without sidewalks on either side of the streets. A few of the streets have sidewalks on one side and the units that front the public streets have front doors with pedestrian connections to the public sidewalks. One reason sidewalks are not proposed adjacent to the vehicle access way is because the buildings are design to have pedestrian building access on the opposite side from the side with garage access. Because of the building design, the applicant is proposing paseos between the buildings. Staff supports the applicants proposal for sidewalks that, in some cases, are not adjacent to the vehicle access way.

Street Improvements:

The site is bounded by four public streets: six-lane arterial Ardenwood Boulevard, four-lane parkway Paseo Padre Parkway, and two-lane residential collector streets Tan Oak Drive and Tupelo Street. Ardenwood, Paseo Padre, and Tupelo were developed as part of Local Improvement District 25, whereas Tan Oak Drive was developed as part of the residential subdivisions southeast of the project site. This project will install, repair, and/or replace existing street improvements consistent with the recently adopted standard street details, and modify the intersection of Ardenwood Boulevard and Tan Oak Drive.

Ardenwood Boulevard: The current street improvements on Ardenwood Boulevard were constructed to a commercial frontage standard. As part of the Planned District, the applicant will remove the existing sidewalk and install a six-foot wide sidewalk with landscaped planters with street trees on either side of the sidewalk. The existing above-ground utility transformers along the Ardenwood frontage will be removed and replaced with underground transformers. The developer shall also install a concrete bus pad for the existing bus stop and install a new bicycle lane along the project frontage.

Paseo Padre Parkway: The current street improvements on Paseo Padre Parkway were constructed to a commercial frontage standard. As part of the Planned District, the applicant will remove the existing sidewalk and install six-foot wide sidewalk and a varying width landscaped planter with street trees.

Tan Oak Drive: The current street improvements on Tan Oak Drive were partially completed by the adjacent residential subdivisions. The existing improvements include pavement, curb, gutter, sidewalk, and street lights along the project frontage. A driveway to a modular office building was also constructed. The required street improvements include, but are not limited to: removing the existing driveway, installing a new private street driveway, pavement repair (grind and overlay) to the centerline of the street or as directed by the City Engineer, landscaping the existing planter strip, and repair of any damaged curb, gutter, sidewalk, or utilities.

Tupelo Street: The current street improvements on Tupelo Street were partially completed by the Local Improvement District and include pavement, curb, gutter, street lights and several utility boxes. The project will dedicate a one-foot wide strip of street right-of-way and install complete street improvements to the centerline of Tupelo. Required street improvements include, but are not limited to: installing a new private street driveway, removing and/or relocating the existing underground and above-ground utilities, installation of a 5-foot wide sidewalk, pavement repair (grind and overlay) as

directed by the City Engineer, landscaping the existing planter strip, and repair of any damaged curb, gutter, sidewalk, or utilities.

Ardenwood/Tan Oak Intersection Modification: The intersection currently includes a right-turn lane with a channelization island which allows vehicles to freely turn onto Ardenwood from Tan Oak. The existing intersection shall be revised along the southern corner of the project site to: remove the existing raised island, remove the existing curb and gutter at the corner, install new curb, gutter, and transition taper at the intersection, and modify the crosswalk striping. Existing utilities, including the street lights shall be replaced or relocated as necessary to work with the new intersection layout.

Paseo Padre/Tupelo Intersection: The intersection is on the City's traffic signal priority list. A traffic signal installation was planned as part of Local Improvement District 25. The developer shall complete the installation of a new traffic signal at Paseo Padre and Tupelo. The developer shall receive a partial reimbursement for the construction cost of the traffic signal. Reimbursement shall be determined prior to final map approval. The source of reimbursement funds shall be from Local Improvement District 25 and from Traffic Impact Fee credit.

Grading & Drainage:

The existing ground surface of the project site is lower than the surrounding streets. The project design includes raising the on-site grades to provide positive drainage release from the building pads and the private streets. Grading also includes excavation of a detention pond along the Paseo Padre Parkway frontage and an underground detention vault near the intersection of Ardenwood and Tan Oak. The project civil engineer estimates project grading to include 57,200 cubic yards of fill and 12,700 cubic yards of cut, for a total of 69,900 cubic yards of grading. The fill estimate means that 44,500 cubic yards of soil will need to be imported to the project site. The source and truck route for the import shall be subject to review and approval of the City Engineer.

The project drainage design includes a system of underground pipes (including oversized pipe), concrete gutters, a detention basin, an underground detention vault, permeable pavement, and infiltration planters. The downstream public drainage system is currently at capacity and cannot accommodate increased runoff from the site. Therefore, the detention basins and oversized pipes (72-inch and 36-inch) are designed to store post-development storm water runoff from the project. During a storm, water will back up into the detention basins and oversized pipes. The detained water will flow from the site at a rate that is equal or less than the pre-development runoff. The project storm drain design shall be subject to review and approval of both the City Engineer and the Alameda County Flood Control and Water Conservation District.

Urban Runoff Clean Water Program:

The current Alameda Countywide National Pollution Discharge Elimination System (NPDES) Municipal Stormwater Permit was issued in February 2003. The NPDES permit requires all new development to incorporate measures to prevent pollutants from being conveyed in storm water runoff and into the public storm drain system. This project is required to comply with the NPDES permit by incorporating treatment measures into the project design.

The project intends to meet the quantitative storm water treatment requirements by constructing infiltration planters and installing permeable pavement in the parking areas and in the Terrace streets.

Also, the single-family detached units are designed such that the roof gutters discharge to a “bubble-up” emitter in the landscaped areas to maximize infiltration of storm water runoff. All treatment occurs by directing storm water runoff into and through the treatment measure. The provided Storm Water Treatment Plan (sheet C-6) is informational only and is not being approved as part of the tentative tract map.

The proposal to use permeable pavement is not an Alameda Countywide Clean Water Program approved storm water treatment measure. Permeable pavement is an acceptable source control best management practice, because it reduces the amount of storm water runoff and in some locations allows runoff to infiltrate the ground. The project is located in an area with clay-like soils, which may inhibit the effectiveness of storm water infiltration. In order to conform to the quantitative performance criteria of the Countywide NPDES permit, the project may be required to incorporate additional treatment control best management practices, to treat storm water runoff. The storm water treatment design shall be integrated into the storm drain design for the project and shall be subject to review and approval of the City Engineer prior to final map approval.

Geologic Hazards:

The project site is located in an area of potential liquefaction on the Seismic Hazard Zones map released by the State Geologist in 2004. Liquefaction occurs when saturated sandy or silty soils are shaken during an earthquake and the soils “liquefy” or behave like a liquid, which can cause pipes to leak, roads and sidewalks to buckle, and building foundations to be damaged.

Based upon site specific field investigations, the project geotechnical engineer, Lowney Associates (Lowney) prepared a preliminary geotechnical report and a supplemental liquefaction evaluation report. Both the report and supplement were reviewed for conformance with the Seismic Hazard Mapping Act by the City’s geologic/geotechnical peer review consultant. The project geotechnical report indicates that the site is underlain by a layer of potentially liquefiable soil and concluded that the project site will experience total liquefaction-induced settlement of approximately five (5) inches and differential settlement of approximately two and a half (2.5) inches.

Lowney recommends that the residential structures be supported on a rigid mat (thick slab) foundation and that the foundation be designed to tolerate differential settlement of 2.5 inches across a horizontal distance of 40 feet, anywhere within the foundation footprint. The foundations should also be designed to span a 15-foot diameter unsupported area and designed to cantilever 5 feet along the foundation perimeter, in the event that soil support is lost due to liquefaction under the building.

The applicant provided a letter from BORM Structural Engineers that indicates that the building foundations will satisfy both the Uniform Building Code requirements for health and safety and will satisfy the design criteria with the Lowney reports.

Utility Districts:

During the Planning application process, the applicant, design team, and City staff have worked with the Union Sanitary District (USD), Alameda County Water District (ACWD), and the Alameda County Flood Control and Water Conservation District (ACFC&WCD). Design of townhouse, condominium, and small-lot single family developments which utilize private streets is challenging and requires close coordination of the site design, landscape design, and utility design.

The tentative map includes a preliminary utility plan, for informational purposes, which shows the proposed location of utility mains (water, sewer, storm), fire hydrants, meters, clean outs, and joint trench (electric, gas, communications). The Planned District landscape plan has been prepared with respect to the utility plan, such that trees and other landscape improvements are kept clear of utilities, as required by the respective utility agency. The subdivision improvement plans are subject to review, approval, and permitting by the utility agencies, prior to final map approval.

Environmental Review:

An Initial Study and Mitigated Negative Declaration was prepared and circulated for this project. The environmental analysis identified concerns regarding potential impacts to new residents related to noise, water quality, and air quality and geologic hazards. The Mitigated Negative Declaration and associated Mitigation Monitoring Plan include mitigation measures which will reduce the identified impacts to non-significant levels. These mitigation measures have been included as conditions of approval for this project (Condition A-9). These measures include acoustical attenuation measures to reduce impacts from noise; dust suppression methods to reduce impacts to air quality; and, specific landscape and tree requirements.

A finding is proposed that the Mitigated Negative Declaration for this project, PLN2006-00172, adequately addresses potential impacts and the project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures.

Applicable Fees:

This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, park facilities, park land in lieu, capital facilities and traffic impact. All applicable fees shall be calculated and paid at the fee rates in effect at the time of building permit issuance.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 157 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on April 14, 2006. A Public Hearing Notice was published by The Argus on April 17, 2006.

Response to California Meadows and Capriana Homeowners Association Comments:

The City has received two comment letters from adjacent Homeowners Associations' identifying potential concerns with the proposed project. The letters are attached as informational items. The following responses have been prepared in regards to these comments:

Density

The surrounding residential density ranges between 11-15 units per acre. The proposed project contains three density ranges, designated by the City as part of the Housing Element Implementation Program, as Low Density Residential, 5-7 units per acre; Medium Density Residential, 15-18 units per acre; High Density Residential, 23-27 units per acre. Over the entire site, the project averages approximately 18 units per acre and was considered compatible with existing uses at the time of approval. State law limits the City's ability to lower density when the density requirements has been determined to help meet State housing needs.

Circulation/Access Improvements

The project entrances have been located at the most logical locations across from existing streets to create either four-way intersections. A new stoplight will also be installed at the Tupelo/Paseo Padre intersection.

Tupelo Street beginning at Paseo Padre Parkway is 46' feet wide (curb to curb) and narrows to 36 feet at Arc Terrace. The street in accordance to the City's standard can accommodate two – 11 foot vehicle lanes and two – seven foot parking lanes. To address potential sight distance obstruction at the driveways, parking will be eliminated near the driveways following a sight distance analysis. Regarding Tan Oak Drive, it is 36' wide curb to curb with parking currently permitted on the south side of the street. Tan Oak Drive is a minor residential collector street designed to accommodate parking on both sides of the street. Unless there is sight distance or safety issue, on-street parking on the north side of the street frontage to the project site is recommended to allow future home owners additional parking in front of their homes.

Establishment of an all-way stop intersection at the Geary/Tupelo/Tan Oak intersection requires that a Stop Warrant Analysis be conducted. City records indicate an all-way stop analysis for the intersection was last completed in November 2002. The stop analysis results indicated the intersection does not meet warrants for an all-way stop. A review of the 5 year accident history (1/1/00 to 1/31/05) indicates low accident history with only one reported accident the past five years. Currently, parking is prohibited to the north and south of the intersection to provide for adequate sight distance for motorists exiting Geary Terrace. Staff does not anticipate a significant increase in traffic trips for this intersection under project conditions because of the two access points the development will provide at Via Como off Tan Oak Drive and Via Torina off Tupelo Street. Staff recommends that an all-way stop analysis be conducted following the completion of the development to determine if an all-way stop would be warranted.

The majority of required guest parking for the project is located on-site, 113 of 122 spaces. Nine spaces of guest parking are proposed at the west end of Tan Oak Drive. The remaining street parking that will be created by the project does not fulfill a requirement and is considered an amenity and convenience to the neighborhood.

Schools

The City understands potential impacts to the school district based on increased school enrollment. However, the City is prohibited by State law from imposing additional fees or exactions on the developer on behalf of the school district. The developer is required to work with the school district to mitigate the potential impacts on schools through the payment of fees, and/or construction of off-site school facilities.

ENCLOSURES:

Exhibits: Exhibit "A" Preliminary/Precise Site Plan, Architectural Elevations, Floor Plans and Landscape Plans

Exhibit "B" Vesting Tentative Tract Map 7735, Private Street and Preliminary Grading Plan

Exhibit "C" Finding and Conditions of Approval

Exhibit "D" Color & Material Sample Boards

Mitigated Negative Declaration and Mitigation and Monitoring Report Program

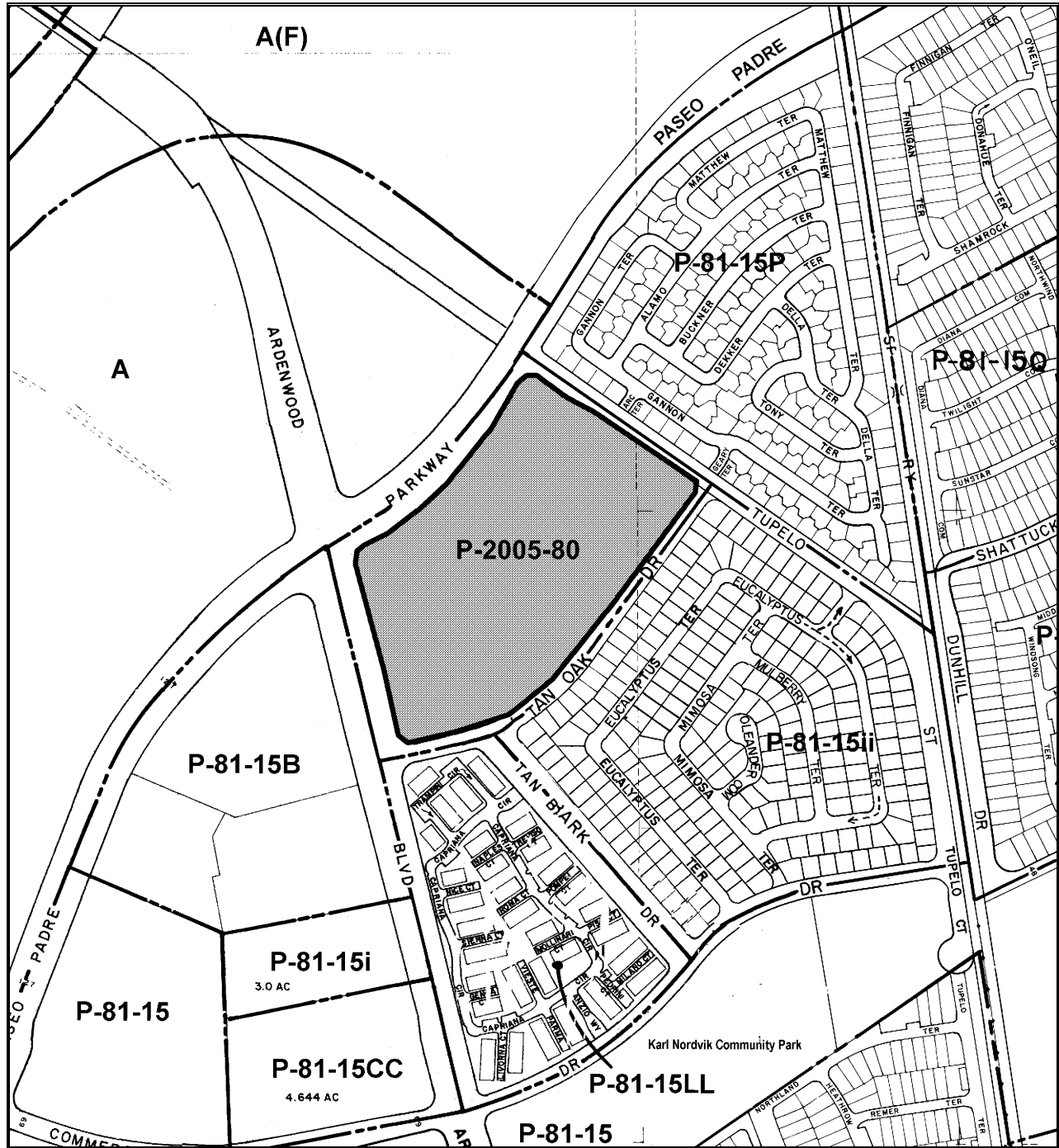
Informational Items

1. Initial Study
2. California Meadow HOA Letter
3. Capriana HOA Letter

RECOMMENDATION:

1. Hold public hearing.
2. Recommend that the City Council find that the initial study and Mitigated Negative Declaration circulated for the project has evaluated the potential impacts that this project could cause, either individually or cumulatively, on wildlife resources and find that there is no evidence the project would have any potential for adverse effect on wildlife resources.
3. Recommend that the City Council find that the Mitigated Negative Declaration circulated for the project adequately addresses potential impacts arising from the proposed project and the identified mitigation measures, which are incorporated as conditions of approval, will reduce potential impacts to less than significant levels and further find that this action reflects the independent judgment of the City of Fremont.
4. Recommend to the City Council approval of the Mitigation Monitoring Plan for Villa D'este (PLN2006-00172).
5. Recommend to the City Council find that the project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Housing and Land Use Chapters as enumerated within the staff report and that it fulfills the applicable requirements set forth in the Fremont Municipal Code; and further recommend that the City Council find that the requested deviations from the City's private vehicle access ways (PVAW's), and zoning standards, are justified for the reasons set forth in the staff report and in Finding No. 4.
6. Recommend that the City Council approve PLN2006-00172, as per Exhibit "A" (*Preliminary/Precise Site Plan, Architectural Elevations, Floor Plans and Landscape Plans*), subject to findings and conditions on Exhibit "C".
7. Find Vesting Tentative Tract Map 7735, Private Street and Preliminary Grading Plan are in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Housing and Land Use Chapters as enumerated within the staff report.
8. Approve Vesting Tentative Tract Map 7735, Private Street and Preliminary Grading Plan as shown on Exhibit "B", subject to findings and conditions on Exhibit "C" and subject to Site Plan and Architectural approval by the City Council.

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan



EXHIBIT "C"
Villa D'este Planned District
PLN2006-00172

PLANNED DISTRICT FINDINGS

The following findings are made by the Planning Commission based on information in the staff report and testimony at the public hearing on April 27, 2006, incorporated hereby:

1. The proposed Planned ("P") District Amendment, or a given unit thereof, can be substantially completed within four years of a precise "P" district approval because the site is a size where construction of the project could be completed in a multi-phase development within the time frame specified.
2. That each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under another zoning district.
3. That the existing streets and thoroughfares and required on-site improvements are suitable and adequate to carry anticipated traffic, and anticipated future potential for site development will not generate traffic in such amounts as to overload the street network outside the "P" district because the site is suitable for the proposed use and minor street improvements will be installed to facilitate traffic movement. The on-site circulation and parking improvements can reasonably and adequately serve the residential development.
4. The exceptions to the PVAW and zoning standards, including the minimum lot size for the secondary units, are warranted by the incorporation of common open space with amenities such as a play structure, fountains and seating areas, and the community building; the use of high quality building materials; installation of varied pavement materials; and enhanced entry features.
5. That the "P" district is in conformance with the General Plan of the City of Fremont. The project conforms to the General Plan land use designations of Low, Medium and High Density Residential, 5-7, 15 to 18 and 23 to 27 dwelling units per acre by averaging density across the entire site and is consistent with and implements the goals and policies of the Land Use and Housing Chapters of the General Plan.

SPECIFIC P-2005-80 FINDINGS

6. The proposed architecture is superior quality and will enhance the visual qualities and complement the character of the area and be an attractive feature for Fremont and the Northern Plain Planning Area because the units are well designed, utilize various high quality materials and feature massing and articulation that highlight the positive qualities of the site.

7. The site plan has provided for pedestrian connections to nearby recreational and community services because a pedestrian circulation plan has been provided which coordinate internal circulation of the site with existing sidewalks.
8. Access is provided to minimize access to adjacent existing residential neighborhoods along Tupelo Street, Tan Oak Drive and adjacent thoroughfares because only two access points have been provided and they are lined up with existing streets.
9. The project provides twenty percent of the units as Inclusionary units as specified in Condition A-18.

VESTING TENTATIVE TRACT 7735 MAP FINDINGS

1. The proposed map satisfies the requirements and conditions imposed by the Subdivision Map Act and the City of Fremont Subdivision Ordinance, because the procedural requirements of the Map Act are being followed and the proposed lots conform to the standards as stipulated in the Planned District (P-2005-80) zoning district.
2. The proposed subdivision, together with the provisions of its design and improvement, is consistent with the General Plan and any applicable specific plan, because the proposed development conforms to the requirements of the zoning district as well as the General Plan land use designations for the site including all relevant General Plan policies as enumerated in the staff report.
3. The site is physically suitable for the type and proposed density of the development because it is flat, located on two major arterials with transit availability and located on the edge of an urbanized area which has all utilities available.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no habitat exists on site as determined by the Biological Assessment prepared for the project.
5. The design of the subdivision and the type of improvements are not likely to cause serious public health problems because the environmental review process of the subdivision has taken those concerns into consideration and has found, with proper mitigation, all impacts would be less than significant.
6. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. Acquisition of any new easements will be required prior to the acceptance of the Final Map for this project.

PRIVATE STREET FINDING

1. The most logical development of the land requires private street access because the physical character of the project is more amenable to the less intense right of way required of a private street.

PRELIMINARY GRADING PLAN FINDINGS

1. The proposed project described in the application will not have an appearance, due to the grading, excavation, or fill, that substantially and/or negatively affects the site because the fill being added to the site will create positive drainage flows, not substantially altering the flat terrain.
2. The proposed project described in the application will not result in geologic or topographic instability on or near the site. There are no fault zones or evidence of slides on the site which might be aggravated by the grading of the site. Implementation of the recommendations by the project geotechnical and structural engineer will ensure building safety in regards to geologic hazards.
3. The proposed project described in the application will not endanger public sewers, storm drains, watercourses, streets, street improvements, or other property; will not interfere with existing drainage courses; and will not result in debris being deposited on any public way. The adequacy of the existing sewer, water and drainage facilities proposed for the project has been reviewed by the different utility agencies. The proposed development will not alter or obstruct the natural flow from abutting properties or divert drainage from its natural watershed. The applicant will be required to submit a plan to control erosion and siltation during and after construction for review and approval by the City Engineer.
4. Conformity, where applicable, to special concerns relating to the adopted Seismic Safety Element and concerns shown on maps issued by the U.S. Geological Survey and the California Division of Mines and Geology shall be accomplished at time of final map. Supplemental data and substantiation of conclusions may be required by the City Engineer upon city review of the reports. The proposed development is not located where there is evidence of presence of any fault or active slides per maps issued by the U.S. Geological Survey and the California Division of Mines and Geology.
5. The proposed project described in the application will not negatively impact the health, safety, and or welfare of adjacent residents or landowners, nor the citizens of Fremont because appropriate mitigation has been incorporated into the project design to mitigate any significant impacts.

General Conditions

- A-1 The approval of PLN2006-00172 shall conform to Exhibit "A" (Preliminary/Precise Site Plan, Architectural Elevations, Floor Plans and Landscape Plans) Exhibit "B" (Vesting Tentative Tract Map 7735, Private Street and Preliminary Grading Plan), Exhibit "E" (Color and Material Sample Board) and all the conditions of approval set forth herein. This Planned District Amendment to P-2005-80 is subject to further review and approval by the City Council and entitles the construction of 276 residential units and eleven second units with associated site, open space, landscape and circulation improvements. The common open space/private park shall remain as permanent open space for the entire life of this project.
- A-2 Developer acknowledges that the development project upon which Vesting Tentative Map 7735 (VTM) is based is subject to Site Plan and Architectural Review (SPAR) by the City Council; and the City Council retains its sole and absolute discretion to make any modifications to the proposed

site plan and architecture, which may require modification of the VTM. If Council action on the SPAR requires modification of the VTM, if the developer and staff are not able to resolve such modifications, developer agrees that staff may refer the matter back to the Planning Commission for subsequent consideration of a modified VTM, and that the developer obtains no vested rights in the original VTM in such a situation.

- A-3 No exterior additions or modifications to the residences, including the addition of pre-manufactured sunrooms and, shall be permitted. Enclosure of the outdoor rooms/patios on the single family units may be permitted as long as the enclosure does not constitute habitable living space. This condition shall be incorporated into the CC&Rs for this project. Additionally, this condition shall be incorporated as a deed restriction for each lot within the development, subject to the review and approval of staff prior to the acceptance of the first Final Map for this project.
- A-4 Plans shall be submitted to the **Development Organization** for review and approval to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
- A-5 Minor modifications to the approved building designs, elevations and colors may be made, subject to review and approval of the Planning Director or his/her designee if such modifications are in keeping with the architectural intent of the original approval. However, the Planning Director shall retain the authority to determine the level of review required, including Planning Commission and City Council review.
- A-6 The project shall be subject to all City-wide development impact fees. These fees will include, but are not limited to, fees for fire protection, parkland in lieu, park facilities, capital facilities and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance.
- A-7 Construction hours will be limited in accordance with Section 8-2205 of the Fremont Municipal Code, and notes to this effect shall be placed on the cover sheet of the construction plans and on an all-weather notice boards (format and content specified by City) conspicuously placed adjacent to the most visible right of way (two notices required) for the duration of the construction activity as follows:
 - a. Monday-Friday, 7 a.m. to 7 p.m.
 - b. Saturday & Holiday, 9 a.m. to 6 p.m.
 - c. Sunday, no construction activity allowed
- A-8 Lighting associated with the project shall be subject to staff review and approval during the Development Organization review process, and shall be of a residential pedestrian scale and decorative in nature. Light standards shall be located throughout the project site subject to review and approval of the City of Fremont Police Department and Planning Division.
- A-9 Per the Mitigated Negative Declaration, PLN2006-00172, the applicant shall include the following mitigation measures into the project:
 - **Mitigation Measure (MM) #1:** To mitigate the identified air quality impacts of grading and construction, dust suppression measures shall be incorporated into the project conditions of

approval and construction drawings. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions. Stockpiles of sand, soil, and similar materials shall be covered with a tarp. Cover trucks hauling dirt or debris to avoid spillage. Paving shall be completed as soon as feasible to reduce the time that bare surfaces and soils are exposed. In areas where construction is delayed for an extended period of time, the ground shall be replanted to minimize the generation of dust. A person shall be designated a person to oversee the implementation of the dust control program.

- **MM# 2:** A burrowing owl survey will be required by a professional wildlife biologist for biological resources of significance using the *Burrowing Owl Survey Protocol and Mitigation Guidelines*, 30 days prior to grading. If the protocol survey is completed no more than 30 days prior to grading/ground disturbance activity, no further surveying will be required. Otherwise, a separate pre-construction survey for burrowing owls is required no more than 30 days prior to any grading or ground disturbance to determine the presence of owls.
- **MM#3:** No known significant historical, paleontological or archaeological resource, site structure or object has been identified either on the project site or in the general area of the project site. There are no known unique cultural resources, and therefore, no potential for restrictions. However, should any human remains or historical or unique archaeological resources be discovered during site development work, the provisions of CEQA Guidelines, Section 15064.5.(e) and (f) will be followed to reduce impacts to a non-significant level.
- **MM #4:** Building plans submitted to the Development Organization for building permit review shall include the geotechnical recommendations from the Lowney Associates Geotechnical Investigation prepared for the project.
- **MM #5:** At the time of development each site must comply with standard water pollution and erosion control measures following Best Management Practices which will be implemented to prevent runoff and sedimentation from entering the channel. Emphasizing storm water Best Management Practices (BMP) intends to achieve compliance with the goals of the Alameda Countywide Clean Water Program (ACCWP), in conformance with the Federal National Pollutant Discharge Elimination System (NPDES) program established by the Clean Water Act.
- **MM#6:** The following measures shall be implemented to mitigate impacts from noise:
 - 1) The interior noise levels within all residential units due to exterior transportation sources (existing and future road traffic on Paseo Padre Parkway and Ardenwood Boulevard shall comply with the limits in Policy HS 8.1.1 of the City of Fremont Health & Safety General; specifically noise exposure levels of 45 dBA L_{dn} in all habitable rooms, and instantaneous noise levels of 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other habitable rooms. If the interior noise limits can only be met with the windows closed, mechanical ventilation meeting code ventilation requirements shall also be provided.
 - 2) A seven (7) foot high sound barrier shall be constructed along the northwestern property line of lot 1 to reduce noise impacts from Paseo Padre Parkway to the private yard area. The barrier

may be constructed of a combination wall and landscape berm.

- **MM #7:** Hours of construction shall be limited to 7 a.m. to 7 p.m. Monday through Friday, and 9 a.m. to 7 p.m. Saturday. No construction shall be permitted on Sundays.
- **MM #8:** Based on the signal warrant analysis, the intersection of Paseo Padre Parkway/Tupelo Street should be signalized. With this improvement, the Paseo Padre Parkway/Tupelo Street intersection would operate at LOS A during both the AM and PM peak hours. Under signalized conditions, the existing 185 foot westbound left-turn pocket and the 100 foot northbound right-turn pocket would be adequate to handle the anticipated traffic demand.
- **MM #9:** Due to the close proximity of the new signal at Paseo Padre Parkway/Tupelo Street to adjacent traffic signals, a new signal interconnect is required between the intersections of Paseo Padre Parkway/Ardenwood Boulevard and Paseo Padre Parkway/Tupelo Street. The development of a signal timing plan should be implemented along Paseo Padre Parkway to coordinate the signals adjacent to the project frontage.

- A-10 All mechanical and utility equipment, including any roof-mounted equipment, (i.e. air conditioning units or similar) shall be screened from view from adjacent public and private rights-of-way, on-site parking, and neighboring residential properties.
- A-11 Final building design, colors and all building materials shall be consistent with Exhibit “B” (Preliminary and Precise Site Plan, Floor Plans, Architectural Elevations, Landscape Plan) and Exhibit “E” (Color and Material Sample Board), subject to staff review and approval during Development Organization review.
- A-12 The final design, layout, and construction of the proposed development shall conform to the Security Ordinance, No. 2484, as amended, including a lighted street address and appropriate security measures, subject to the review and approval of staff during the Development Organization review process.
- A-13 Additional design elements and foundation landscaping shall be incorporated into the single-family unit side elevations subject to review and approval of staff during Development Organization review.
- A-14 The applicant shall notify Planning staff of the construction schedule. At the time of installation of framing and stucco/siding, the applicant or a representative of the applicant, shall request an on-site inspection by the project planner, to ensure compliance with the architectural detailing of all buildings.
- A-15 A Homeowners Association shall be created for this residential project. The developer shall prepare a set of comprehensive Covenants, Conditions and Restrictions (C,C&R’s), subject to review and approval by the City of Fremont prior to Final Map approval.

- A-16 The Covenants, Conditions and Restrictions (C,C&R's) for the project shall stipulate that the multi-family unit garages be used for the parking of vehicles and that no other usage or storage within the garage shall prevent the parking of an owners vehicle.
- A-17 Pursuant to Article 21.7 [Inclusionary Housing] of the Fremont Municipal Code, the Property Owner(s) shall enter into a BMR Master Developer Agreement with the City to provide at least 20% of total number of residential units made available at affordable housing costs within the for-sale development. A total of 55 units in Villa D'este Planned District shall be available for participation in a below market rate (BMR) affordable housing program, subject to the review and approval of the Office of Housing and Redevelopment. The BMR units shall include 25 units of Plan 1 and 30 units of Plan 2. The BMR Master Developer Agreement shall run with the land, be recorded in conjunction with the Final Map, and made part of the project's conditions of approval and shall be recorded on the property titles of each parcel designated for the BMR sales program. The BMR Master Developer Agreement shall include the following provisions:
- BMR units shall be affordable to families earning no greater than 110% or below of the county median income as defined by the United States Department of Housing and Urban Development in effect at the time of sale;
 - Units shall only be available to eligible first time homebuyers as defined under the California Housing Finance Agency To the extent permitted by law, preference shall be given to those who currently live, work, or previously lived in the City of Fremont;
 - To insure long-term affordability, and to assist the greatest number of families over the longest feasible time, BMR units shall be subject to resale restrictions under individual agreements developed by the City of Fremont, which shall be binding for a minimum of 30 years, renewable upon resale;
 - The BMR sales price shall be computed as follows:

For a two bedroom unit, the sales price shall be computed based upon the maximum program restricted income for a family of three times a multiplier of 3.5, and for a three bedroom unit, the sales price shall be computed based upon the maximum program restricted income for a family of four times a multiplier of 3.5.
 - The City of Fremont Office of Housing and Redevelopment will conduct the Buyer Selection process and will provide eligible homebuyers to the Developer. The selection process will be described in the BMR Master Developer Agreement.
- A-18 All sound walls as required by the Mitigated Negative Declaration, and fencing as part of the project, are subject to further design review by staff during Development Organization review.
- A-19 Graffiti abatement shall be applied to the both sides of all sound walls within the project. Abatement shall consist of anti-graffiti coating and landscaping in the form of vines subject to the review and approval of staff during Development Organization review.

- A-20 A deed restriction shall be recorded for all lots with a secondary unit requiring owner-occupancy of the second unit.
- A-21 The project developer shall work with staff to incorporate additional green buildings techniques into the project to the extent feasible.

Landscape Conditions

- L-1 The proposed retention of the four Tamarisks at the corner of Ardenwood and Tan Oak shall be re-evaluated during Tract Improvement Plan Review. Any ensuing alterations to the landscape design at this corner shall be subject to the review and approval of the City Landscape Architect.
- L-2 Concrete planters in a Tuscan style shall be installed between garage doors as part of the garage planting “cut-outs.” The concrete planters are subject to the review and approval during Tract Improvement Plan Review.
- L-3 The design and installation of the play equipment and play area in the common open space shall be in compliance with the California Code of Regulations, Title 22, Div. 4, Ch.4, Safety Regulations for Playgrounds.
- L-4 Branches from mature trees may not overhang buildings and roofs. Adequate space to plant trees adjacent to buildings or other built features must be provided in the following minimum ways:
- a) Small trees (to 15 feet tall) no closer than 6 feet from building or 2 feet from paving, curbs, or walls with a minimum planting area 5 feet wide.
 - b) Medium trees (to 30 feet tall) no closer than 10 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide.
 - c) Large trees (above 30 feet tall) no closer than 15 feet from building or 3 feet from paving, curbs, or walls with a minimum planting area 6 feet wide, preferably 8 feet wide.
- L-5 All planting areas containing trees shall be free of all Utility Structures (including light standards) and other built features consistent with the spacing requirements of City Standard Detail Street Tree Clearances. In order to install all the trees shown on the Landscape Plan, utilities may require relocation subject to staff approval during Tract Improvement Plan Review.
- L-6 Landscape plans shall be submitted with Final Map Improvement Plans for review and approval, indicating full details regarding (1) paving materials and textures of walkways and paved pedestrian areas, (2) lighting of walkways and pedestrian areas with low intensity non-glare type fixtures, and (3) landscaping of site and open areas. As part of the landscape plans the applicant shall submit:
- a) An underground irrigation plan.
 - b) A lighting plan for the illumination of the building, pedestrian and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated.
 - c) Construction details of raised planters, walkways, paths, benches, walls, fences, trellises, and

other architectural features as appropriate to the project.

- L-7 The final Building Permit plans as approved through the Development Organization review process shall include, as reference, the Landscape Plans approved through Tract Improvement Plan Review.
- L-8 All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect. Current copy of the LDRP available at the Engineering Counter shall prevail.
- L-9 All back-flow preventers shall be screened with landscaping.

Engineering Conditions

- E-1 The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.
- E-2 All public and private storm drain inlets are to be stenciled "No Dumping - Drains to Bay" using thermoplastic stencils purchased from the City of Fremont Maintenance Division. Alternative inlet stencils or marking may be permitted, subject to City Engineer approval during final map and subdivision improvement plan checking.
- E-3 All on-site storm drains must be cleaned at least once a year immediately prior to the rainy season. Additional cleaning may be required by the City of Fremont.
- E-4 For air conditioning units, air conditioning condensate should be directed to landscaped areas or alternatively connected to the sanitary sewer system after obtaining permission from Union Sanitary District. Any anti-algal or descaling agents must be properly disposed of. Any air conditioning condensate that discharges to land without flowing to a storm drain may be subject to the requirements of the State Water Resources Control Board's (SWRCB) Statewide General Waste Discharge Requirements (WDRs) for Discharges to Land with a Low Threat to Water Quality.
- E-5 Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever practicable.
- E-6 All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.
- E-7 The homeowners association shall prepare and implement a plan for pavement sweeping and cleaning of all storm drain inlets consistent with Best Management Practices.
- E-8 The buildings, including foundations and utility connections, shall be designed in accordance with the project geotechnical report by TRC Lowney, dated 12/14/05, and the supplemental liquefaction hazard analysis dated 4/11/06.

TENTATIVE MAP & PRIVATE STREET CONDITIONS OF APPROVAL:

- E-9 The project shall conform to Exhibit “B” (Vesting Tentative Map 7735 & Private Streets), all conditions of approval set forth herein, and the conditions of approval of Planned District P-2005-80 and Planned District Major Amendment PLN2006-00172.
- E-10 Approval of this Vesting Tentative Map shall expire according to the provisions of the State Subdivision Map Act and any amendments thereto and applicable provisions of the Fremont Municipal Code consistent with the State Subdivision Map Act.
- E-11 The final map and subdivision improvement plans shall be submitted to the Engineering Division for review to insure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
- E-12 The developer shall install complete street improvements to the centerline of Ardenwood Boulevard. Required street improvements include, but are not limited to: removing the existing sidewalk, installing new 6-foot wide sidewalk and landscaping, installing a new bus pad, installing new bicycle lane striping, removing the existing above ground transformers, and repair of any damaged, curb, gutter, sidewalk, or utilities. The extent of repair or replacement of existing Ardenwood Boulevard improvements shall be determined by the City Engineer & City Attorney during the review of the subdivision improvement plans.
- E-13 The developer shall install complete street improvements to the centerline of Paseo Padre Parkway. Required street improvements include, but are not limited to: removing the existing sidewalk, installing new 6-foot wide sidewalk and landscaping, and repair of any damaged, curb, gutter, sidewalk, or utilities. The extent of repair or replacement of existing Paseo Padre Parkway improvements shall be determined by the City Engineer during the review of the subdivision improvement plans.
- E-14 The developer shall install complete street improvements to the centerline of Tan Oak Drive. Required street improvements include, but are not limited to: removing the existing driveway, installing a new private street driveway, pavement repair (grind and overlay), landscaping, and repair of any damaged, curb, gutter, sidewalk, or utilities. The extent of repair or replacement of existing Tan Oak Drive improvements shall be determined by the City Engineer during the review of the subdivision improvement plans.
- E-15 The developer shall dedicate one-foot of street right –of-way and install complete street improvements to the centerline of Tupelo Street across the project frontage. Required street improvements include, but are not limited to: installing a new private street driveway, removing and/or relocating the existing underground and above-ground utilities, installation of a 5-foot wide sidewalk, pavement repair (grind and overlay), landscaping, and repair of any damaged curb, gutter, sidewalk, or utilities. The extent of repair, replacement, or relocation of existing Tupelo Street improvements shall be determined by the City Engineer during the review of the subdivision improvement plans.
- E-16 The developer shall modify the existing intersection of Ardenwood Boulevard and Tan Oak Drive along the project frontage. The required improvements include, but are not limited to: removing the

existing raised, right-turn island, removing the existing curb and gutter, installing new curb, gutter, and transition taper at the intersection, modifying the crosswalk, and replacing or relocating the existing street lights and utilities.

- E-17 The developer shall complete the installation of a traffic signal at the intersection of Paseo Padre Parkway and Tupelo Street. The developer shall receive a partial reimbursement for the construction cost of the traffic signal. Reimbursement shall be from the Local Improvement District 25 and from Traffic Impact Fee credit. The reimbursement amount shall be determined prior to final map approval.
- E-18 The streetlight plan and joint trench plan shall be submitted by the applicant with the first subdivision plan check for the street improvement plans and final map. The final streetlight plan and joint trench plan shall be completed prior to final map approval.
- E-19 The developer shall request P.G.&E. to commence with the design of the utility underground work for the proposed development after the Planning Commissions approval of Tentative Tract Map 7735.
- E-20 The subdivision improvement plans, including utility plans, shall be designed in accordance with the project geotechnical report by TRC Lowney, dated 12/14/06, and the supplemental liquefaction hazard analysis dated 4/11/06
- E-21 The CC&Rs for the project shall include a disclosure statement to all property owners indicating that the project site is located within a seismic hazard zone for liquefaction. The disclosure statement shall indicate that the buildings have been designed to current code requirements and that the foundation is designed to resist approximately 2.5 inches of differential settlement. The disclosure statement shall also indicate that the buildings, site improvements, and utilities are subject to damage during an earthquake and that the buildings may be uninhabitable after an earthquake. This CC&R disclosure statement is subject to review and approval of the City Engineer prior to final map approval.
- E-22 The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES permit requirements issued by the State's Water Quality Control Board.
- E-23 In accordance with the Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, NPDES Permit No. CAS0029831, the property owners shall enter into a maintenance agreement for the long-term operation and maintenance of stormwater treatment measures. The agreement shall run with the land and be recorded at the same time that the final map is recorded.
- E-24 The subdivision storm water treatment plan shall be revised to comply with the Alameda Countywide NPDES Municipal Stormwater Permit, Section C.3.d, Numeric Sizing Criteria For Pollutant Removal Treatment Systems. In order to comply, the project may have to incorporate additional storm water treatment control best management practices, which may result in minor modifications to the site plan, grading plan, and drainage plan. The subdivision storm water treatment plan, storm water pollution prevention plan (SWPPP), and the associated storm water treatment calculations are subject to review and approval of the City Engineer. The plans and

calculations may be referred to a City-selected peer review consultant. Peer review fees shall be paid by the subdivider.

- E-25 Precise geometry and location of all driveways shall be subject to approval of the City Engineer.
- E-26 Pursuant to Government Code Section 66474.9, the Subdivider, or any agent thereof, or successor thereto, shall defend, indemnify, and hold harmless the City of Fremont, its officials, employees or agents (collectively "City") from any claim, action or proceeding against the City to attack, set aside, void, or annul, the City's approval concerning this subdivision map application, which action is brought within the time period provided for in Section 66499.37. The City will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.
- E-27 Any development on the newly created lots will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities, park facilities, and traffic impact. The fees shall be calculated at the rate in effect at the time of building permit issuance. The fees will be collected prior to building permit issuance.
- E-28 All new utility service connections, including electrical and communications, shall be installed underground. Electrical transformers shall be installed in underground vaults within an appropriate utility easement or public service easement.
- E-29 The project storm drain system shall conform to City standards and shall be subject to review and approval of the City Engineer and the Alameda County Flood Control and Water Conservation District. The project storm drain system shall be designed to limit the post-development runoff to be equal or less than the pre-development runoff, for the design storm event.
- E-30 The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The plans will also include storm water measures for operation and maintenance of the project.
- E-31 The developer is responsible for ensuring that all contractors and subcontractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
- E-32 This Private Street (PLN2006-00172) is being conditionally approved based on the accuracy of the information shown on Exhibit "B" and submitted with the Private Street application. If any of the information is shown to be inaccurate subsequent to approval of the Private Street by the City, such inaccuracy may be cause for invalidating this approval. Approval of Private Street (PLN2006-00172) shall become effective upon final map approval.
- E-33 The private street names are subject to modification prior to final map approval.
- E-34 A Private Vehicle Access Way (PVAW) and a Public Utility Easement (PUE) are to be established over the entire private street right-of-way. The PUE dedication statement on the final map is to recite that the PUE is available for, but not limited to, the installation, access and maintenance of sanitary and storm sewers, water, electrical and communication facilities.

- E-35 Access considerations for the on-site circulation system require space to be reserved for the movement of fire-fighting and emergency vehicles for the protection of both private property and the public. Dedication of emergency vehicle access easements (EVAE) on the final map over the private street right-of-way will be required. The easement geometry shall be subject to the approval of the City Engineer.
- E-36 Fire hydrants are to be located along the private street as determined by the Fremont Fire Department.
- E-37 Deed restrictions are to be recorded concurrently with the final map to create a mandatory Home Owner's Association or any other mechanism acceptable to the City for those lots with private street frontage which is to covenant and be responsible for the following:
- a. Maintenance of the facilities in the private street which are not maintained by a public utility agency, except all utility work resulting from backfill failure is to be the responsibility of the Home Owner's Association.
 - b. Payment of the water and private street lighting (maintenance and energy) bills.
 - c. Maintenance, repair, replacement and removal of blockages in all building sewers. Maintenance of the building sewers includes repair of any trench failures and/or trench surface material failures.
 - d. Maintenance and "knock-down" repair of fire hydrants and water facilities along the private street is to be done by the utility agency at the expense of the Home Owner's Association. The Home Owner's Association is to be responsible for repainting any fire hydrants along the private street.
- E-38 Each buyer is to sign an acknowledgment that he/she has read the constitution and bylaws of the Home Owner's Association and the conditions, covenants and restrictions applying to the development.
- E-39 Private street grading and drainage shall be done according to public street standards, subject to review and approval by the City Engineer prior to final map approval.
- E-40 Pursuant to FMC Section 8-1522 and 8-3107, the subdivider is to improve prior to final map approval or agree to improve within one year of final map approval, the private streets within the subdivision. No permanent improvement work is to commence until improvement plans and profiles have been approved by the City Engineer. Improvements are to be installed to permanent line and grade in accordance with the City's subdivision improvement standards and to the satisfaction of the City Engineer. Improvements to be constructed include, but are not limited to: Curb and gutter, driveways, street paving, private street monuments, electroliers (wired underground), drainage facilities, signs, and fire hydrants.
- E-41 The private street pavement shall be designed on the basis of a traffic index using predicted traffic generation and a thirty-year pavement design life. In no case shall the traffic index be less than 5.5.

Asphalt concrete surfacing to be treated with a seal coat of the type and amount required by the City Engineer. Pavement design sections shall be subject to approval of the City Engineer.

- E-42 Safety lighting is to be provided on the private street. Lights shall utilize "vandal resistant" enclosures and shall have sufficient power and spacing to provide an average maintained foot-candle level of 0.12.
- E-43 A signpost, to which is attached a sign having an area of at least fifteen inches by twenty-one inches, is to be installed at or near the private street entrance. The name of the private street is to be placed on this sign in clearly legible four-inch letters. The sign is to have painted, in at least one-inch letters, "Private Property. Not dedicated for public use."

SUBDIVIDER PLEASE NOTE:

The fees, dedications, reservations and/or other exactions imposed on this project are those listed in the foregoing conditions of this tentative tract map approval. The subdivider is hereby notified that the 90-day period in which the subdivider may protest these fees, dedications, reservations and other exactions pursuant to Government Code Section 66020(a) begins on the date of approval of this tentative tract map. If the subdivider fails to file a protest within this 90-day period complying with all the requirements of Government Code Section 66020, the subdivider will be legally barred from later challenging such actions.

PRELIMINARY GRADING PLAN CONDITIONS OF APPROVAL:

- E-44 The project shall conform with Exhibit "B" (Preliminary Grading Plan), all conditions of approval set forth herein, and all conditions of approval of Vesting Tentative Map 7735, PLN2006-00172.
- E-45 Approval of this Preliminary Grading Plan does not extend to the final detailed design approval necessary to be accomplished in connection with the development plans.
- E-46 Approval of this Preliminary Grading Plan shall run concurrent with the approval and subsequent extensions of Vesting Tentative Tract Map 7735. Approval of this Preliminary Grading Plan shall terminate upon the expiration of Vesting Tentative Tract Map 7735.
- E-47 A grading permit issued for the project shall be in accordance with the Grading, Erosion, and Sediment Control Ordinance (Chapter 4, Title VIII of the Municipal Code). Grading shall be subject to the approval of the City Engineer.
- E-48 The applicant shall provide for a functional system to control erosion and siltation during and after grading subject to review and approval by the City Engineer. An erosion and sediment control plan shall be included as part of the grading plans.
- E-49 Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
- E-52 A disposal site for the off-site haul dirt materials or source for the import fill shall be approved by the City prior to the approval of the grading permit. The off-site haul truck route for the excess dirt or import fill shall be subject to the approval of the City Engineer.

- E-53 Prior to issuance of a grading permit for land disturbance greater than one acre, the developer is to provide evidence that a Notice of Intent has been filed and with the State of California Water Resources Control Board. Evidence shall include the WDID number assigned by the State. The developer is responsible for insuring that all contractors are aware of all storm water quality measures contained in the Storm Water Pollution Prevention Plan (SWPPP).
- E-54 The applicant shall submit a detailed soils report, including recommendations regarding pavement structural sections, prepared by a qualified soils engineer registered by the State of California. The soils report shall include specific recommendations for on site pavement areas that will experience repeated exposure to heavy vehicle loads.
- E-55 Grading operations shall be in accordance with recommendations contained in the required soils report and shall be supervised by an engineer registered in the State of California to do such work.
- E-56 Proposed curb elevations for the street system shall not be less than 1.25 feet above the hydraulic grade line (design water surface) and at no point should the curb grade be below the energy grade line. On-site grades are to be a minimum of 0.75 feet above the hydraulic grade line.

Fire Department Conditions

- F-1 The applicant shall meet all requirements in the 2001 California Fire Code and local Ordinance #2485.
- F-2 Provide fire flow information for site. Contact Jose Rodriguez with the Alameda County Water District at 510-668-4419 to obtain information.
- F-3 The applicant shall install a N.F.P.A. 13-D/13-R fire sprinkler and NFPA 72 fire alarm system complying with local amendments.
- F-4 Automatic fire suppression systems in attached residential occupancies shall have Residential or quick response standard sprinkler heads in dwelling or guest portions of the building. The sprinkler system shall provide protection to at least all of the following areas garages, carports, bathrooms, concealed spaces, water heater/furnace rooms, closets, laundry rooms, attic spaces, under walks, or overhangs, balconies or deck greater than four feet in depth, and floor landings if wholly or partial enclosed, or other areas as required. If the guest carports are covered they shall have fire sprinkler protection.
- F-5 Separate permit is required for the underground fire service, fire sprinkler and fire alarm systems.
- F-6 Prior to installation, plans and specifications for the underground fire service line must be submitted to the Fremont Fire Authority and Building Department for review and approval. Please include cathodic protection or soils report stating why protection is not required. Standard Required: N.F.P.A. 24 and local Ordinance # 2485.
- F-7 The applicant shall comply with Fremont code requirements for installation of fire retardant roof coverings.

- F-8 The applicant shall provide a 20 ft wide all weather surface (paving) for emergency vehicle access within 150 feet of all construction or combustible storage. This access shall be provided before any construction or combustible storage will be allowed. CFC 901.3, C.F.C 903.2. and C.F.C 903.3
- F-9 The applicant shall provide the fire hydrant required fire flow on site prior to construction or storage of combustible materials. C.F.C 903.2 & Appendix IIIA. Fire hydrant jumper lines must be at least 6 inches in diameter. This must be completed and inspected before any construction or material storage will be allowed.
- F-10 The applicant shall have a key box (Knox brand) located outside of buildings/gates and provide keys to the Fire Department so they may gain access. Applications can be obtained at Fire Administration office, 3300 Capital Ave, Fremont.
- F-11 Address must always be visible from Public Street. Provide site map at private driveway entrance.
- F-12 A Fire Department driveway access serving dwelling/structures 35 ft or less in height shall have a minimum 20 foot unobstructed linear width. A Fire Department driveway access serving dwelling/structures over 35 ft in height shall have a minimum 26 foot unobstructed linear width. These driveways/access roads shall be designated as Fire Lanes. Driveway /access roads and shall meet Fire Department standards for surface type, distance, weight loads, turn radius, grades, and vertical clearance. Approved turnarounds shall be required for distances over 150 feet from public streets. Other mitigation's shall/may be required in addition to those listed. (CFC Sec. 902.2 as amended) The applicant shall indicate on all site plans the location of required red curbs, curb lettering and fire lane signs. This project requires all curbs to be red, lettering every 30 feet and signs every 100 feet.
- F-13 Fire Department Connections for all sprinkler system must be located not more than 100 feet from a fire hydrant. N.F.P.A 14. All inlets shall have Knox type caps and signs/address placards installed at the connection.
- F-14 Fire hydrant spacing requirement is 300 feet spacing. The distance is measured as the fire engine travels on all- weather surfaces. Install one fire hydrant near the intersection of Via Cinque Terre and Court 'A'.

HAZARDOUS MATERIALS UNIT:

- F-15 The applicant shall comply with the provisions of the permits required from any state or regional agencies, including, but not limited to, the Bay Area Air Quality Management District (BAAQMD), Regional Water Quality Control Board (RWQCB), Union Sanitary District's (USD) POTW and the Alameda County Department of Environmental Health.
- F-16 The applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.

